

# S U M M A R Y   A C T I O N   M I N U T E S



## REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

*Tuesday, October 19, 2004, 9:30 A.M.*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**THOMAS W. WILSON**  
CHAIRMAN  
Fifth District

**JAMES W. SILVA**  
VICE CHAIRMAN  
Second District

**CHARLES V. SMITH**  
SUPERVISOR  
First District

**BILL CAMPBELL**  
SUPERVISOR  
Third District

**CHRIS NORBY**  
SUPERVISOR  
Fourth District

ATTENDANCE: Supervisors Silva, Campbell, Norby and Wilson

EXCUSED: Supervisor Smith

PRESENT: COUNTY EXECUTIVE OFFICER      Thomas G. Mauk  
COUNTY COUNSEL                              Benjamin P. de Mayo  
CLERK OF THE BOARD                         Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS (None)**

### **II. CONSENT CALENDAR (Items 1-47)**

24135  
X

**APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 15 WHICH WAS DELETED**

### **BOARD APPOINTMENTS**

1. **Chairman Wilson** - Comprehensive Economic Development Strategy Committee - Reappoint Michael Ferrall, Mission Viejo, for term ending 7/1/06
2. **Supervisor Smith** - Developmental Disabilities Area Board XI - Reappoint Andrea Kumetz-Coleman, Westminster, for term ending 10/16/07

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## **COMMENDATIONS/PROCLAMATIONS**

3.           **Chairman Wilson** - Adopt resolution commending and congratulating James D. Ruth for his lifetime of contributions to Southern California residents  
*RESO: 04-273*
4.           **Supervisor Silva** - Adopt resolution recognizing and congratulating Ralph Velez for the enhancement of "Palm Island" in Mile Square Regional Park in City of Fountain Valley  
*RESO: 04-274*
5.           **Supervisor Smith** - Adopt resolution commending Phoenix House for their 25 years of service  
*RESO: 04-275*

## **CHILD SUPPORT SERVICES**

6.           Authorize transfer of 56 surplus printers to Los Angeles County Child Support Services  
Department - All Districts

## **HEALTH CARE AGENCY**

7.           Approve agreement with Latino Center for Prevention and Action in Health and Welfare dba Latin Health Access for provision of Elder Access to Healthcare services, 11/1/04 - 10/31/05 (\$95,000) - All Districts
8.           Adopt resolution approving grant agreement EA15-04-41 with California Integrated Waste Management Board Enforcement Assistance and payment request for solid waste management, 7/1/04 - 6/30/05 (46,280) - All Districts  
*RESO: 04-276*

## **HOUSING AND COMMUNITY SERVICES DEPARTMENT**

9.           Approve loan for Escalones Nuevos Apartments, San Clemente (\$84,821); and authorize Director or designee to execute related documents - District 5
10.          Approve amendment 5 to Orange County Workforce Investment Area Strategic Five-Year Local Plan, PY 2004-05 - All Districts (Continued from 10/5/04, Item 5)
11.          Approve submission of grant application to State Department Employment Development for Rapid Response Special Projects funds for development of regional skill collaborative for health services, 11/1/04 - 10/31/05 (\$250,000) - All Districts

## **INTEGRATED WASTE MANAGEMENT DEPARTMENT**

12.          Approve compliance agreements with California Department of Food and Agriculture, United States Department of Agriculture, and Orange County Agricultural Commissioner for Cooperative Oriental Fruit Fly Project, Frank R. Bowerman, Olinda Alpha and Prima Deshecha landfills - All Districts

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## ORANGE COUNTY PUBLIC LIBRARY

13. Authorize submission of grant application #40-6274 to and acceptance of grant award from the California State Library for Library Services and Technology Act Staff Education Program, FY 2004-05 (\$10,643) - All Districts
14. Adopt resolution ratifying submission and execution of grant application to California Cultural and Historical Endowment for construction of Katie Wheeler Branch Library (\$2.5 million); and authorize County Librarian to negotiate agreement - District 3  
*RESO: 04-277*

## RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

15. Deny bid of Farhat Construction and re-set bid opening for 11/3/04, 2:00 p.m., for new restroom building, Carbon Canyon Regional Park, Brea - District 3 (Continued from 9/28/04, Item 24)  
24135  
X  
**DELETED**
16. Approve Tract 16667, DMB Ladera LLC, Ladera Ranch area; accept easement for emergency and public vehicular ingress and egress; approve construction agreement S0704-0117 and accept bonds guaranteeing construction of improvements - District 5
17. Accept work with RAN Enterprises, Inc. for replacement of A/C units and clean air ducts, Probation/Juvenile Hall; project completed 7/22/04 (\$204,877) - District 3
18. Approve agreement 03-0783 with the State Department of Food and Agriculture for mandated inspection of high-risk plant shipments, 3/1/04 - 2/28/05 (\$403,390.43) - All Districts
19. Approve Tract 16471, DMB Ladera LLC, Ladera Ranch area; accept easement for scenic preservation, emergency access purposes over all of Lot BA, fire protection access, public pedestrian and storm drain purposes; and approve construction agreement S0604-0113 and accept bonds guaranteeing construction of improvements - District 5
20. Approve Tract 16395, DMB Ladera LLC, Ladera Ranch area; accept easements for emergency and public vehicular ingress and egress; and approve construction agreement S0804-0119 and accept bonds guaranteeing construction of improvements - District 5
21. Approve Tract 16391, DMB Ladera LLC, Ladera Ranch area; accept easements for emergency and public vehicular ingress and egress; and approve construction agreement S0604-0112 and accept bonds guaranteeing construction of improvements - District 5
22. Approve and accept easement deeds from Ladera Ranch Maintenance Corporation; Ladera UAC Office, LLC; DMB Ladera, LLC; Ladera WNG III, LLC and Mercantile East Ladera, LLC for street and highway and/or sidewalk purposes; and make California Environmental Quality Act and other findings - District 5
23. Approve Tract 16473, DMB Ladera LLC, Ladera Ranch area; accept easement for emergency access over all of Lots BA and BE and public pedestrian purposes as dedicated; and approve construction agreement S0704-0116 and accept bonds guaranteeing construction of improvements - District 5
24. Approve agreements D04-052 and D04-053 with Southern California Edison Company to

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facilitate conversion of existing aerial transmission to underground locations, Laguna Canyon Road; and make California Environmental Quality Act and other findings - District 5

- 25 .      Receive bids and award contract to Geotechnical Stabilization, Inc. for floor repair, West Justice Center (\$55,987) - District 1
- 26 .      Authorize release of security for street improvements, street lights, landscaping and monumentation, Tract 15729, Irvine Community Development Company, Newport Coast area - District 5
- 27 .      Adopt resolution approving grant agreement 04-008 with California State Coastal Conservancy for Coyote-Carbon Creeks Watershed Feasibility Study (\$130,000); authorize Director or designee to execute related documents and amendments under certain conditions; and make California Environmental Quality Act findings - Districts 2, 3 and 4  
*RESO: 04-278*
- 28 .      Approve easement deed and agreement with Dana Point for access on and over Del Obispo yard; and make California Environmental Quality Act findings - District 5
- 29 .      Approve Tract 16472, DMB Ladera LLC, Ladera Ranch area; accept easement for emergency access purposes over all of Lots BA through BD; and approve construction agreement S0704-0115 and accept bonds guaranteeing construction of improvements - District 5
- 30 .      Rescind prior Board action on June 30, 2004 awarding contract to Sturgeon General, Inc.; reject bid of Sturgeon General, Inc. for non-compliance; approve plans and specifications and re-set bid openings for 11/24/04, 2:00 p.m., for replacement of master controlled lighting system, Manchester Office Building, Orange - District 3
- 31 .      Adopt resolution certifying completion of street improvements, street lights and landscaping; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 16156, DMB Ladera, LLC, Ladera Ranch area - District 5  
*RESO: 04-279*
- 32 .      Adopt resolution certifying completion of street improvements, street lights and storm drain facilities; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, storm drain facilities and monumentation, Tract 16025, DMB Ladera, LLC, Ladera Ranch area - District 5  
*RESO: 04-280*
- 33 .      Adopt resolution certifying completion of street improvements, street lights and landscaping; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, monumentation and landscaping, Tract 16155, DMB Ladera, LLC, Ladera Ranch area - District 5  
*RESO: 04-281*
- 34 .      Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, and monumentation, Tract 16240, MBK Homes LTD., Ladera Ranch area - District 5  
*RESO: 04-282*
- 35 .      Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, sewer and water

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systems, and monumentation, Tract 16157, DMB Ladera, LLC, Ladera Ranch area - District 5  
*RESO: 04-283*

- 36 .        Approve amendment 2 to agreement D01-004 with W. Koo & Associates for design and construction support services of Glassell Street Bridge widening - District 3
- 37 .        **Acting as the Orange County Flood Control District** - Declare parcel E08D01-219.1 surplus; approve quitclaim deed and agreement to purchase real property with Roman Catholic Bishop of Orange, Villa Park Dam area (\$13,000); and make California Environmental Quality Act findings - District 3

## **Acting as the Board of Supervisors and Orange County Flood Control District:**

- 38 .        Accept work with Belczak & Sons, Inc. for Segunda Deshecha Canada Channel improvements from El Camino Real to I-5 Freeway; project completed 5/24/04 (\$6,038,478.31) - District 5
- 39 .        Select various firms for on-call regulatory permitting and environmental services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

## **SOCIAL SERVICES AGENCY**

- 40 .        Receive bids and award contract to H.L. Miller Construction for replacement of fire alarm system, Interim Care Facility, Orange (\$117,560) - District 3
- 41 .        Approve Memorandum of Understanding CRC2304 with Canyon Acres Children and Family Services for provision of Creating Family Connections services, 10/20/04 - 6/30/05 - All Districts
- 42 .        Approve price agreement N1000005942 with Professional Tutors of America for individual academic tutoring, 11/1/04 - 10/31/05 (\$40 hourly) \$49,500); and renewable for two additional years - All Districts

## **PUBLIC PROTECTION**

### **Sheriff-Coroner:**

- 43 .        Ratify execution of Memorandum of Understanding with U.S. Marshal Service for participation in Regional Fugitive Task Force - All Districts
- 44 .        Approve price agreement N1000005990 with TransUnion LLC for credit information and credit reporting services, 10/20/04 - 10/19/05 (\$4,000); renewable for two additional years - All Districts
- 45 .        Approve price agreement N1000005946 with Applied Biosystems for maintenance of genetic analyzers, 10/5/04 - 10/4/05 (\$23,328); renewable for two additional years - All Districts

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## GENERAL ADMINISTRATION

- 46.        **County Executive Office** - Receive and file External Restructuring Report for the County of Orange - All Districts
- 47.        **Human Resources** - Approve amended price agreement N4000002367 with Standard Insurance Company for administration of Disability Salary Continuance Plan, Reserve Deputy Sheriff Disability Income Protection Plan and Reserve Deputy Sheriff Accidental Death & Dismemberment Plan, 1/1/05 – 12/30/05 (\$37,871) - All Districts

END OF CONSENT CALENDAR

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## III. DISCUSSION ITEMS (Items 48-S62A)

### HEALTH CARE AGENCY

48. Approve amended Standard Agreement with State Department of Health Services for AIDS related services, 7/1/01 - 6/30/04 (\$223,257; new total \$9,635,475); and authorize Director or designee to execute related documents - All Districts  
23145 **APPROVED AS RECOMMENDED**  
X
49. Consider first reading of "An Ordinance Amending Section 4-1-30 of the Codified Ordinance of the County of Orange, Enforcement" to update references to authorizing statutes, and set second reading and adoption for 10/26/04, 9:30 a.m. - All Districts  
32145 **APPROVED AS RECOMMENDED**  
X
50. Approve amended agreement with Latino Psychological and Social Services Corporation for behavioral health outpatient and CalWORKs services, 7/1/04 - 6/30/05 (\$60,000; new total \$1,654,749) - All Districts  
32145 **APPROVED AS RECOMMENDED**  
X
51. Approve Standard Agreement 03-75586 with State Department of Health Services for California Nutrition Network, 10/1/03 - 12/31/04 (\$935,558) - All Districts  
43125 **APPROVED AS RECOMMENDED**  
X

### HOUSING AND COMMUNITY SERVICES DEPARTMENT

52. **Acting as the Board of Supervisors and Orange County Development Agency** - Approve loan for Northwood Apartments, Irvine (\$1,708,015); and authorize Director or designee to execute related documents - District 3  
34125 **APPROVED AS RECOMMENDED**  
X

### INTEGRATED WASTE MANAGEMENT DEPARTMENT

53. Approve change order 1 with C.W. Poss, Inc., for construction of Phase VIIA Expansion, Frank R. Bowerman Landfill (\$418,275.48; new total \$13,163,621.98) - District 3  
32145 **APPROVED AS RECOMMENDED**  
X
54. Adopt resolution approving Corrective Action Escrow Agreement with California Integrated Waste Management Board (CIWMB) to demonstrate financial responsibility for financing corrective action for a solid waste landfill; establish escrow fund; make budget adjustments and approve other related actions - All Districts (4/5 vote R. A. 4 & 5)  
32145 **APPROVED AS RECOMMENDED**  
X  
*RESO: 04-284*
55. Receive bids and award contract to Sukut Construction, Inc., for construction of Phase VIIB, Frank R. Bowerman Landfill (\$12,186,513.50) - District 3  
35124 **APPROVED AS RECOMMENDED**  
X

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## **RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT**

56. Receive bids and award contract to ACCO Engineered Systems for replacement of absorption chiller, Central Utility Facility (\$641,000) - District 1

53124  
X **APPROVED AS RECOMMENDED**

57. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve price agreement N1000006185 with L. Curti Truck and Equipment for on-call truck rental services with operator, 11/1/04 - 10/31/05 (\$357,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

34125  
X **APPROVED AS RECOMMENDED**

## **SOCIAL SERVICES AGENCY**

58. Approve price agreement N1000006322 with State Department of Justice for live scan/fingerprint record services, 11/1/04 - 10/31/05 (\$220,000); renewable for two additional years - All Districts

34125  
X **APPROVED AS RECOMMENDED**

## **PUBLIC PROTECTION**

59. **Probation** - Approve Joint Letter of Agreement with Superior Court of California to implement terms of State grant for DUI offenders, 10/19/04 - 12/31/06 (\$1,038,624); and make California Environmental Quality Act findings - Districts 2, 3 & 5

54123  
X **APPROVED AS RECOMMENDED**

## **GENERAL ADMINISTRATION**

### **County Executive Office:**

60. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

**DISCUSSED**

61. Approve one-year extension of terms and conditions of employment, health plan and PIP changes consistent with last, best and final offer during contract negotiations, American Federation of State, County and Municipal Employees (AFSCME) Local 2076 representing Eligibility Worker Unit - All Districts

32145  
XN **APPROVED AS RECOMMENDED**

62. **Supervisor Silva** - Approve dedicating and renaming Mile Square Regional Park in honor of President Ronald W. Reagan; and direct staff to return to the Board in 30 days with status report (Continued from 9/21/04, Item 17)

B.O. **DELETED**



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S62A.      **Supervisor Norby** - Adopt resolution commending Police Chief Russell Rice for his years of volunteer service

43125      **APPROVED AS RECOMMENDED**

X

*RESO: 04-285*

## **IV. PUBLIC HEARINGS (Items 63-65)**

### **JOHN WAYNE AIRPORT**

63.      Public Hearing to consider adopting resolution approving certification of proposed Final Supplemental Environmental Impact Report 582, make related findings; and approving Settlement amendment Implementation Plan - District 2

B.O.      **CLOSED PUBLIC HEARING**

23145      **APPROVED AS RECOMMENDED**

X

*RESO: 04-286*

## **RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT**

64.      Public Hearing to consider adopting resolution approving annual adjustments of Local Parks In-Lieu fees, unincorporated area - All Districts

B.O.      **CONTINUED TO 10/26/04, 9:30 A.M.**

## **GENERAL ADMINISTRATION**

65.      **County Executive Office** - Public Hearing to consider increasing Superior Court Law Library's filing fees; approve implementation of \$50.00 Annual Borrowing fee for Attorneys; and make California Environmental Quality Act and other findings - All Districts (Continued from 10/5/04, Item 25)

B.O.      **CLOSED PUBLIC HEARING**

32145      **APPROVED AS RECOMMENDED**

X

## **V. CLOSED SESSION (Items CS-1-CS-2)**

### **GENERAL ADMINISTRATION**

#### **County Counsel:**

CS-1.      CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):  
Name of Case: Association of Orange County Deputy Sheriffs; Orange County Employees Association; Association of County Law Enforcement Managers; International Union of Operating Engineers, Local 501, AFL-CIO; Thomas Dominguez; Wayne J. Quint, Jr.; and Lezlee Neebe v. County of Orange; Steve Rodermund, in his official capacity as the Orange County Registrar of Voters, et al., OCSC Case No. 04CC10248

B.O.      **HELD, NO REPORTABLE ACTION**

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- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):  
Name of Case: Carol Miller v. County of Orange, Case No. RIV 0024331
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF CAROL MILLER V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

## **VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT**

### **PUBLIC COMMENTS:**

Tiffany Adams, Danna Hyder, Shirley Adams - Oral Re: IHSS compensation and benefits

Darrell Nolta - Oral Re: Electronic Voting issues

Charles Griffin - Oral Re: Legislation regarding purchase of lands around airports

### **BOARD COMMENTS:**

Supervisor Norby - Oral Re: Discussed available paper ballot voting option for upcoming election.

Supervisor Campbell - Oral Re: Directed County Counsel to insure that the prior direction to labor negotiator to meet with the Union to discuss possible contract amendments which result in a net \$0 to the County is appropriate and consistent with State statutes.

### **ADJOURNED: 11:54 A.M.**

25134 **Adjourned in memory of Jody Weir**  
X

25134 **Adjourned in memory of Joan Nicolson**  
X

35124 **Adjourned in memory of Neil Edward Harkleroad**  
X

35124 **Adjourned in memory of Bob Johnson**  
X

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\*\*\* KEY \*\*\*

## *Left Margin Notes*

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

## *Right Margin Notes*

- O. = Ordinance
- R. = Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

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*THOMAS W. WILSON, CHAIRMAN*  
*Orange County Board of Supervisors*

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*DARLENE J. BLOOM*  
*Orange County Clerk of the Board*